

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

03 JUL 16 AM 11:23
FBI/EL

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM
Cañones Creek, Section 7

ANSWER TO COMPLAINT FOR ADJUDICATION OF WATER RIGHTS

Joanna Prukop, Secretary, EMNRD and
COMES NOW Arthur Blazer, Director, Forestry Division(please print your full name)
N.M. FOREST CONSERVATION E.M.N.R.D FORESTRY DIV.

and answers the complaint as follows:

Subfile No
CHCC-004-0016

Object Claim No Right

1. In answer to Complaint: For each subfile listed above, please initial in one of the two boxes to indicate whether you object to the description of water right(s) contained in the State's proposed Consent Order, or whether you make no claim as to the water right(s) described in the State's proposed Consent Order.

If you object to the description of water right(s) and reject the State's proposed Consent Order, or if you make no claim as to the water right(s) set forth in the State's proposed Consent Order for any of the Subfile Numbers listed above, for each such Subfile Number please explain in the appropriate spaces below.

I object to the description of the water right(s) described by Subfile Number(s) _____
because _____

1/1/01

(Attach additional pages if necessary)

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by

(Attach additional pages if necessary)

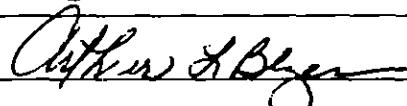
I claim no right for the water right(s) described by Subfile Number(s) CHCC-004-0016 because
The Energy, Minerals and Natural Resources Department, Forestry Division
has no surface rights or use of surface water from the Rio Chama System,
Canones Creek, Section 7. However, the Forestry Division does claim a right
for a well RG-51679 declared on November 22, 1989. See attached Declaration
of Owner of Underground Water Right and June 20, 2003 letter from Sternen M.
Wells, Water Resource Allocation Program, New Mexico State Engineer Office.

(Attach additional pages if necessary)

2. I understand that by making this claim and filing this document I am not waiving my rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I may have.

Dated: 7/14/03


(Signature - N.M. FOREST CONSERVATION
E.M.N.R.D FORESTRY DIV.)


1220 South St. Francis Drive, Santa Fe, NM 87505
(Address: Print Clearly)

(505) 476-3200

(Phone Number: Print Clearly)

IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you have waived service of process, you must file an answer in the United States District Court for the District of New Mexico by December 31, 2003. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the State's proposed Consent Order if you fail to file an answer by December 31, 2003. The court's address is: 333 Lomas NW, Suite 270, Albuquerque, NM 87102, or P.O. Box 2384, Santa Fe, NM 87504. A copy of the answer filed with the district court must also be sent to the Office of the State Engineer, Litigation and Adjudication Program, P.O. Box 25102, Santa Fe, NM 87504-5102.

Declaration of Owner of Underground Water Right

BASIN NAME _____
 Declaration No. _____ Date received _____

STATEMENT

- * 1. Name of Declarant EMNRD - Forestry and Resources Conservation Division & See Co-Declarant
 Mailing Address P. O. Box 1948, 408 Galisteo, Santa Fe, NM 87504
 County of Santa Fe, State of New Mexico
2. Source of water supply Shallow Water Aquifer
 (artesian or shallow water aquifer)
3. Describe well location under one of the following subheadings: Estimated
 a. NE NW SW NE K of Sec. 6 Twp. 29N Rge. 4E N.M.P.M., in
Rio Arriba County.
- b. Tract No. of Map No. of the
c. X = 409,400 feet, Y = 2,095,600 feet, N. M. Coordinate System Central Zone
In the Tierra Amarilla Grant.
On land owned by Frank G. and Natividad Chavez
4. Description of well: date drilled 9/63 (est.) driller unknown depth 35 feet.
 outside diameter of casing 6 1/2 inches; original capacity gal. per min.; present capacity 15
gal. per min.; pumping lift feet; static water level 10 feet (above) (below) land surface;
 name and type of pump Coufid, 10RJ, 1h.p.
 make, type, horsepower, etc., of power plant
 Fractional or percentage interest claimed in well 50% Forestry and Resources Conservation Division
50% Frank G. and Natividad Chavez.
5. Quantity of water appropriated and beneficially used (acre feet per acre) (acre feet per annum)
for indoor/outdoor domestic and fire suppression purposes.
6. Acres actually irrigated .7 acres, located and described as follows (describe only lands actually irrigated):

Subdivision	Sec.	Twp.	Range	Acre	Owner
	<u>6</u>	<u>29N</u>	<u>4E</u>	<u>.5</u>	<u>EMNRD - Forestry and Resources Conservation Division</u>
	<u>6</u>	<u>29N</u>	<u>4E</u>	<u>.2</u>	<u>Frank G. and Natividad Chavez</u>

(Note: location of well and acreage actually irrigated must be shown on plan on reverse side.)

7. Water was first applied to beneficial use September 1963 and since that time
 month day year
 has been used fully and continuously on all of the above described lands or for the above described purposes except
 as follows: no exceptions

8. Additional statements or explanations Well is located on land owned by Frank G. and Natividad Chavez. Payment for drilling of well, utilities and repairs have been the responsibility of the Forestry and Resources Conservation Division.

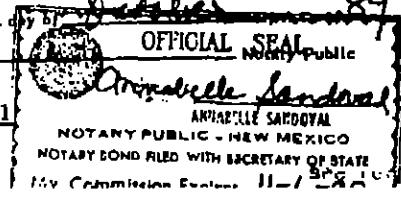
I, Anita Lockwood, being first duly sworn upon my oath,
 depose and say that the above is a full and complete statement prepared in accordance with the instructions on the re-
 verse side of this form and submitted in evidence of ownership of a valid underground water right, that I have carefully
 read each and all of the items contained therein and that the same are true to the best of my knowledge and belief.

Secretary

EMNRD-Forestry & Resources Cons. Div., declarant.

by: Anita Lockwood 89Subscribed and sworn to before me this 4thMy commission expires Nov. 6, 1990

* Name of Declarant: Frank G. and Natividad Chavez
 Mailing Address: P. O. Box 131, Los Ojos, NM 87551
 County of: Rio Arriba, State of: New Mexico



07/08/2003 15:07 5058987333

NM ST FORESTRY-CHAMA

PAGE 02



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER

John R. D'Antonio, Jr. P.E.
State Engineer

SANTA FE

BATAAN MEMORIAL BUILDING, ROOM 101
POST OFFICE BOX 25102
SANTA FE, NEW MEXICO 87504-5102
(505) 827-6175
FAX: (505) 827-6138

June 20, 2003

Mr. Craig Daugherty
Timber Management Officer
New Mexico State Forestry / Chama District
HC 75, Box 100
Chama, New Mexico 87520

RE: State Forestry Division, Chama Well, File Number RG-51679

Dear Mr. Daugherty,

Thank you for your recent correspondence and copies from your files. After some review, we found that we already had a record of the well that the State Forestry Office in Chama is using. Our file number for that well is RG-51679, and our files reflect that it was declared by Frank and Natividad Chavez on November 22, 1989. The well is classified as a domestic well and is already permitted for maximum usage of 3.0 acre-feet per annum.

No further action is necessary at this time, it was a pleasure talking to you on the phone. If you have any other questions do not hesitate to call me at 827-6129.

Sincerely,

A handwritten signature in cursive ink.

Stermon M. Wells
Water Resource Allocation Program
New Mexico State Engineer Office

Cc: District I Office, Albq.